WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
Model Toxics Control Act (MTCA) Interim Action and Marine Industrial Expansion (MIE) at Norton Terminal (US Army Corps reference number: NWS-2020-979)

Part 2–Applicant)

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Gurley, Laura			
2b. Organization (If applicable)			
Port of Everett			
2c. Mailing Address (Street or PO Box)			
1205 Craftsman Way, Suite 200			
2d. City, State, Zip			
Everett, WA, 98201			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(425) 388-0720	425-330-6564		LauraG@portofeverett.com

[1]Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

EXHIBIT # 9

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
3b. Organization (If applicable)			
3c. Mailing Address (Street or PO Box)			
3d. City, State, Zip			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☒ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail

EXHIBIT # 9

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☐ Private
☐ Federal
☒ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

2600 Federal Avenue

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Everett, WA, 98201

5d. County [help]

Snohomish

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
NW, NE, SW, SE	19	29N	5E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.985314° N; -122.216559° W

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

29051900201500, 29051900200900, 29051900201000, 29051900300100, 29051900300200, 29051900300201, 00597761803000, 00597761801000, 00597761800600, 00437461700200, 00597761800102, 00597761803901, 00437455701600, 00437455701302, 00437455701301

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)
Washington Department of Natural Resources	919 N Township Street Sedro-Wooley, WA 9828	2510282 (aquatic parcel)
City of Everett	2930 Wetmore Ave # 8A Everett, WA 98201	29051900201300
US Government (Naval Station Everett)	1900 W Marine View Drive Everett, WA 98201	29051900200300
BNSF Railway Company	PO Box 961089 Fort Worth, TX 76161-0089	00437162000101; 00437161901702

Ronan C Bonnie Trustee	2431 56th Street SW Everett, WA 98203	00437161900100
XTO Energy, Inc.	22777 Springwoods Village Parkway Spring, TX 77389	00437161900101

5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

East Waterway (Port Gardner Bay – Puget Sound)

5k. Is any part of the project area within a 100-year floodplain? [help]

☒ Yes ☐ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The property (Site) is a former industrial property on which most buildings and structures have been demolished and that has been cleared/graded associated with a Model Toxics Control Act (MTCA) cleanup interim action under Kimberly-Clark Worldwide (K-C). There is very limited vegetation on the property including overgrown landscaped areas near the warehouse, the north entrance at Norton Avenue, and near the northwest shoreline. Other vegetation is limited to opportunistic species adapted to disturbed area (i.e., weeds/scrub vegetation). Species include, but are not limited to, Himalayan blackberry and butterfly bush. The shoreline of the East Waterway onsite is entirely armored and includes segments of bulkhead and riprap, existing wharf, and docks.

5m. Describe how the property is currently used. [help]

The property is the location of the former K-C paper mill. Since closure and subsequent demolition of the mill in 2012, the property has been vacant and unused. The project property is the majority of the upland portion of the K-C MTCA site (MTCA Site; Facility Site ID # 9). Throughout most of calendar year 2020, the Site was undergoing cleanup as the 2nd Interim Action under an agreed order (Agreed Order No. DE 9476) between the Washington State Department of Ecology (Ecology) and K-C. Additionally, crushed demolition debris was removed ("CM Removal") and replaced with clean fill concurrently with the 2nd Interim Action. These recent cleanup activities were physically complete as of December 31, 2020.

The next portion of the cleanup that will be conducted as part of this Port of Everett (Port) project is the 3rd Interim Action, which will be implemented pursuant to an amendment to the Agreed Order that will also add the Port as a party to the Agreed Order. Further activity that will be conducted related to the MTCA cleanup following completion of the 3rd Interim Action will include the completion of the remedial investigation and feasibility study (RI/FS) and preparation of a draft cleanup action plan (DCAP). It is anticipated that the final cleanup action selected for the MTCA Site by Ecology will be memorialized in the final cleanup action plan and implemented by the Port.

5n. Describe how the adjacent properties are currently used. [help]

The Site uplands is adjacent to the East Waterway (Port Gardner/Puget Sound) to the west, City of Everett (City) Port Gardner Stormwater facility to the north, BNSF and West Marine View Drive rights-of-way to the east, and commercial tenants on Port property to the south. Naval Station Everett is located approximately 330 feet (ft) north of the Site, separated from the site by the City's Port Gardner Stormwater facility; and the nearest single-family residential areas are located approximately 330 ft from the Site to the east, separated from the Site by BNSF and West Marine View Drive rights-of-way.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

EXHIBIT # 9

A vacant approximately 3-acre warehouse associated with the former K-C manufacturing operations is on the Site. The multi-story warehouse building will be renovated as a future project while the Port works to identify future tenants. The warehouse is associated with approximately 4.5 acres of the property north of the building, which would be available for a ground lease. Approximately 1.1 acres is being set aside as an optional lease area to allow for the future rail siding installation. Access to the warehouse area will be shared with the Norton Terminal from Federal Avenue. This area will be developed in the future. However, the Port will construct security fencing surrounding the area as part of the Norton Terminal development. Under the proposed action, no paving or utility work will be done by the Port in the warehouse lease area.

An existing Snohomish County Public Utility District (PUD) substation occurs on the Site and will remain until the PUD constructs a replacement substation in the coming years.

Several in- and over-water structures exist on the Site including a timber wharf that is in poor condition with limited utility, a dilapidated small dock in the cove to the south, and a barge dock and associated approach ramp, both of which are in usable condition.

Under this proposed project, no work on these structures is proposed.

There are several existing outfall structures, most of which have been capped and abandoned in-place. However, two of these existing structures will be replaced as part of this project.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

Follow I-5 N to exit 192 Broadway in Everett

Merge onto Broadway Avenue (1.1 miles)

Turn left on Everett Avenue (0.6 miles)

Continue straight onto Terminal Avenue (0.2 miles)

Turn right onto Federal Avenue (0.1 miles); Site is located at north end of Federal Avenue

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The Project combines cleanup and redevelopment actions which will accommodate a marine cargo terminal. Specifically, the Port is proposing the MIE action at the former K-C Site integrated with the MTCA 3rd Interim Action for the MTCA Site. The Port's goal is to put the brownfield site back into economic use as quickly as possible after K-C's 2nd interim cleanup action. This Site is located adjacent to and just north of the Port's main Marine Terminal facilities in the City, and its redevelopment will supplement the Port's existing cargo-handling capabilities. The MIE Project includes integration of the 3rd Interim Action and development of the Norton Terminal into a secure marine cargo terminal on approximately 34 acres of the Site.

MTCA 3rd Interim Action

The intent of the 3rd Interim Action is to achieve the following goals:

1. Expedite cleanup of the MTCA Site,
2. Reduce surface water infiltration through residual soil contamination that could be mobilized into groundwater by surface water infiltration,
3. Prevent wildlife exposure to residual soil contamination, and
4. Integrate Site infrastructure improvements and cleanup elements to ensure consistency with future Site use and for long-term protection of human health and the environment.

The 3rd Interim Action will include, but is not limited to, the following general scope of cleanup construction elements:

- Fill importation, grading and compaction to: 1) increase elevation of the Site to be protective of anticipated sea level rise, 2) provide stormwater collection and treatment, 3) reduce surface water infiltration, and 4) support construction of the low-permeability cap.
- Construction of a low-permeability cap consisting primarily of low-permeability pavement materials to further reduce surface water infiltration and to prevent exposure to terrestrial ecological receptors.

- Installation of subgrade utilities to support stormwater treatment and conveyance, minimize future disturbance of the cap, and other potential cleanup action elements where a cap is required to contain contaminated soils.
- Reconstruct existing outfalls A and M for discharge from the new stormwater system.
- Management of contaminated soil and groundwater during construction of subgrade utilities in accordance with an Ecology-approved soil and groundwater management plan.
- Demolition of the existing site fence and installation of new security fencing to maintain vector control and to prevent human contact with residual Site contamination.

The MTCA interim action and MIE elements of the Project will not be differentiated through the remainder of this application, except where it is necessary for a proper understanding of these two elements.

The extent of which project elements are included as part of the MTCA scope of work is further summarized in detail in the table included with this submittal (Table 1). An additional table has been provided to identify those elements of work outside of the MTCA scope of work and within the 200 foot Shoreline jurisdiction (Table 2). It is anticipated that the City will confirm substantive requirements of the SMP have been met relative to the MTCA scope of work elements per RCW 90.58.355 via issuance of a Letter of Substantive Requirements to the Port and that those elements do not require issuance of a Shoreline Permit. Issuance of this letter will allow work on the MTCA cleanup elements to proceed expeditiously.

The Project includes:

1. *Site Grading and Paving*—Suitable clean fill material will be imported, placed, and compacted to build up the Site elevations for the designed subgrade in line with the contour elevations that result from the K-C CM Removal. The resulting K-C cleanup elevations vary from about +17 ft mean lower low water (MLLW) along the west side of the Site to +21-ft MLLW along the east side of the Site. Once design subgrade elevations are met, significant portions of the Site will be covered with a pavement section designed for the anticipated heavy industrial cargo that will also prevent surface water infiltration as part of the 3rd Interim Action. Generally, the Site finished grade will be raised several feet higher than existing and is anticipated to range between approximately +17 ft to +23 ft MLLW.

   Because low-permeability surfaces required under the 3rd Interim Action must be compatible with future Site uses, the pavement will be designed to support the large wheel loads produced by the Port's container handling reach stackers and storage of heavy cargo similar to the Port's current marine terminals. However, it is anticipated that not all areas of the Site will be paved initially and some areas may remain as gravel until the entire project area can be paved and the final MTCA cleanup action is selected by Ecology. Certain areas of the Site where heavy equipment will not operate may be built up to near final grade elevations with thinner pavement sections or other low-permeability system, as needed, to meet the requirements of the 3rd Interim Action or the final cleanup action selected for the MTCA Site by Ecology.
2. *Longshoreman Facility* – The project is anticipated to include two portable trailers to serve as a Longshoreman Restroom, Shower, Lunchroom and Office facility. Total approximate square footage of these trailers is 800 square feet.
3. *Washpad* - An approximately 60-ft wide by 120-ft long concrete pad will be constructed for the purpose of washing cargo items and Port equipment. The washpad will not be covered by a roof to accommodate varying heights of cargo. The washpad will be constructed to include a stormwater diversion system. During periods when the wash pad is not in use, stormwater runoff will be routed by gravity to the Site's water quality treatment system. During periods when the washpad is in use, a valve to the storm drain system will be closed and wash water will be routed to the City sanitary sewer system.
4. *Cargo Container Containment Area* - An approximately 41-ft wide by 141-ft long asphalt pad will be constructed for cargo container containment. The containment area will be surrounded on three sides by a curb with a topographic grade break along one side to allow reach stacker ingress and egress. A security fence will surround the facility. Stormwater runoff will be routed to the Site's water quality

treatment system. In the event of a leak from a container, a valve in the storm drain system will be closed and the leak will be contained on the pad. The leak will be cleaned up by a vactor truck or other appropriate methods and disposed at an appropriate facility.

5. *Utilities*—Because this is a brownfield site with extensive subgrade foundations remaining in place and to mitigate the impact of encountering subsurface obstacles, utilities, pipelines, and electrical duct banks will be designed and constructed as shallow as possible. Site design includes utility corridors to consolidate locations of several types of utilities. Individual utility systems are discussed in more detail below.

    A. Stormwater - Stormwater will be handled by a series of collection infrastructures (longitudinal concrete gutters and trench drains that will be connected to a high-flow bypass vault, as well as catch basins and buried piping). Stormwater treatment for the entire Site will be handled at two points. Near the northwest side of the Site, the Port will install an aboveground stormwater treatment system that will handle the majority of runoff from the Site and provide treatment to meet anticipated Industrial Stormwater General Permit (ISGP) requirements. Details on the treatment system is described below. Stormwater will be pumped from the trench drain system into the treatment system and then discharged into an existing stormwater outfall for discharge (Outfall M). The existing outfall is anticipated to require replacement due to its condition and size, and will be replaced in its existing location. A small portion of the south end of the Site will drain to an existing catch basin which will be fitted with a Contech© Stormfilter cartridge system, from which stormwater will be discharged through an existing outfall (Outfall A). This outfall is also anticipated to require replacement due to its condition and will be replaced in close proximity to its existing location. There are six existing outfalls on the Site that range in size from 10 inches to 54 inches in diameter. Four (4) of the outfalls have been decommissioned as part of the 2nd Interim Action. By reducing the Site's total number of outfalls from six to two, the replacement outfalls will require an increase in size. Outfall A, a 10-inch outfall at the Site's south end, will be replaced with an 18-inch outfall; and Outfall M, a 21-inch wood stave storm drain that transitions to a 12-inch PVC outfall, will be replaced with a 36-inch outfall. The outfalls will be high-density polyethylene (HDPE) casing pipe around aluminum corrugated metal pipe at the shoreline. The casing pipe will protect the outfall pipe from direct riprap and rockery point loads. Riprap energy dissipation pads will be installed at the end of each outfall. Installation of Outfall A will occur over 120 square feet of shoreline below the High Tide Line (HTL). Installation of Outfall M will occur over 420 square feet of the shoreline below the HTL. The total runoff volume discharged to the East Waterway is not anticipated to change from the former K-C developed site conditions which is based on nearly 100 percent impervious surface conditions. Stormwater management is an integral part of the Project including areas requiring a low-permeability cap to contain contaminated soil as part of the 3rd Interim Action. Effective stormwater management will minimize the potential for contaminant transport to adjacent surface water, reduce surface water infiltration through areas of the MTCA Site that have residual soil contamination, and improve groundwater quality prior to its discharge to surface water.

        i. Water Quality Treatment – The water quality treatment of stormwater runoff from the Outfall M basin will be provided by an aboveground Chitosan-Enhanced Sand Filtration (CESF) system. CESF system is an Active Treatment System that actively monitors the effluent sending it back through the system if it does not meet discharge requirements. The CESF system allows for other additives to be used to remove targeted pollutants such as heavy metals and to adjust pH levels for discharge to sensitive receiving waters. CESF systems consist of storage tanks, pumps, and filtration vessels. CESF systems have received General Use Level Designation (GULD) from Ecology for Enhanced Treatment of industrial sites such as the Site. These systems can remove a wide range of heavy metal influent concentrations as well as total suspended solids. The treatment system will be sized for the entire upland area (approximately 39 acres) with exception of the future PUD substation site, which will be developed by the PUD. The aboveground system dimensions are approximately 4,500 square feet with components up to approximately 9 ft tall.

The Contech Stormfilter system (or equivalent) proposed to treat runoff in the Outfall A basin uses rechargeable, media-filled cartridges to absorb and retain pollutants from stormwater runoff. Filter cartridges are placed in below ground structures such as specially designed catch basins, manholes or vaults. Due to topography constraints and the need to keep utilities shallow to avoid below ground foundations and obstructions, this area cannot drain by gravity to the CESF system, so a stand-alone system is proposed. Stormfilter systems have received GULD from Ecology for 'Basic' Water Quality treatment and Conditional Use Level Designation (CULD) for enhanced heavy metal treatment requirements. A level of 'Basic' treatment is anticipated for the south gate area of the Site.

ii. Flow Control – Stormwater flow control is not required for the Project because the Site's runoff will discharge directly to the East Waterway following the required treatment.

B. Water – Water distribution and fire protection will include a new looped water system to support both fire protection and domestic water service. The system will be tied into the existing City water line at the south end of the property at Federal Avenue and run north to near the future PUD substation site, then back out to connect to the existing City waterline on Norton Avenue. Appropriately sized water meters and service lines will be provided to serve individual tenants. These service lines will provide water to temporary or permanent structures that may be placed on the Site (such as washpad, longshoreman restrooms or breakrooms), other maintenance or operations requirements, and provide irrigation to landscaped areas. An existing 6-inch water main in Federal Avenue will be replaced with a 12-inch main that will extend to the Site. Existing fire hydrants and water services along Federal Avenue will be re-connected to the new main. Fire hydrants constructed to City standards will be provided on the site for fire protection. These hydrants will be located adjacent to the high mast area lighting foundations and protected from damage from industrial activities with bollards.

C. Sanitary Sewer – Sanitary sewer service will be supported by two to three sanitary sewer lift stations (typically constructed with low horsepower sewer grinder pumps), at various locations on the Site. Sanitary sewer force main pipes will connect to an existing City manhole to the south at Federal Avenue (or potentially to the north at Norton Avenue).

D. Electrical and Communications – Electrical service will be provided by the PUD via existing overhead lines at the northeast corner of the Site. New 15 kilovolt (kV) service equipment will be installed at the north end of the Site near the entrance gate off Norton Avenue. Power distribution will be via an underground conduit duct bank system with numerous precast vault structures that will serve the Site lighting and other electrical infrastructure, and will generally run south on the Site and terminate near Federal Avenue. Step-down transformer substations and distribution panels will be installed on the Site to provide three-phase 480-volt and 120-volt single-phase power for area lighting, entrance gate lighting, security cameras, water service hot boxes, and lift stations for both stormwater and sanitary sewer. Spare power conduits in the main duct banks and side lateral power conduits from the electrical vaults will be provided to allow future expansion of the electrical system. Electrical power will be needed to support operation and maintenance of the stormwater treatment system(s), which are considered an integral part of the 3rd Interim Action.

Communication conduits and vaults will be provided as part of the main electrical duct bank network. Communication conduit will be installed from the communications vaults to the various Site security camera locations, gate locations, and other structures. Fiber optic cable will be installed to serve the Site security cameras and other communication needs, connecting to the Port's current security network near Federal Avenue. Communication systems may be needed to support future cleanup action elements, which are considered an integral part of the 3rd Interim Action.

6. *Lighting*—Lighting will be provided by LED light clusters mounted on high mast poles set on concrete protective foundations. The main terminal lighting system will generally be arranged in three rows of poles running north to south with one or two strategically located lighting transformers to feed the

lighting system. The majority of the light poles are anticipated to be 75 ft tall and spaced approximately 300 ft apart. It is anticipated that the north and south gate areas will be illuminated by shorter 30-ft tall light poles. Lighting will be directionally controlled and shielded to avoid spillover to neighboring properties.

7. *Security*—The Norton Terminal will be a Federally secure restricted area and access will be controlled with security fencing and gates that meet US Department of Homeland Security standards. Approximately 4,500 lineal feet of 8-ft high chain link fence with a top guard of three strands of barbed wire will be erected along the Site boundaries to maintain terminal security. Appropriate signage will be installed at regular intervals along the fencing stating that the area is restricted, and only authorized personnel may enter the Site. There will also be approximately ten 30-foot tall poles for mounting security cameras.

   The site will be under constant surveillance by closed-circuit television (CCTV) cameras. The cameras will be mounted on some of the high mast area light poles and at the north and south entrance gates.

   As discussed in Section 6a of this application, security fencing is considered an integral element of the 3rd Interim Action for vector control and to prevent direct human contact with residual MTCA Site contamination.

8. *Cargo Gateway*—Cargo movements between the existing terminal to the south and the proposed Norton Terminal to the north will occur on Federal Avenue through an agreement with the City that allows the Port control of the Federal Avenue right-of-way. This cargo gateway will be surrounded by a combination of gates and fences that can be opened and closed to provide a federally secure, continuous access lane between the terminals, as well as provide non-secure access to the Port's existing tenants.

9. *Landscaping*—It is anticipated that landscaping will be provided in accordance with the proposed the landscaping modification request previously discussed with City Planning staff (see attached Landscaping Memorandum revised July 15, 2021). Certain landscaping elements may be subject to future cleanup actions under the MTCA final cleanup action plan, which has yet to be defined. Any areas of landscaping will meet soil cleanup standards identified in the final cleanup action in the K-C MTCA Site.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The Project will implement the next phase of the MTCA remediation of the Site and supplement the Port's existing cargo-handling capabilities. The 3rd Interim Action is necessary to ensure that contamination from historical mill operations at the Site is cleaned up pursuant to MTCA standards and made safe for future uses. With regard to the MIE action, the Site is identified as a component of the Port's continuing operations as included in the Port Strategic Plan, Comprehensive Scheme of Harbor Improvements, and Marine Terminals Master Plan. As part of the Marine Terminals Master Plan, the Port's Mills-to-Maritime initiative is an effort to restore polluted former waterfront mill sites into sustainable job-producing hubs that support the next generation of maritime trade and industry. Transitioning the new Norton Terminal back into productive use under the MIE strategic initiative is the cornerstone of this effort. The Norton Terminal is strategically located in the heart of the Port's urban deep-water maritime complex and working waterfront. It is located within a federally secure waterway adjacent to a federal navigation channel. Due to its lack of land for staging and processing prior to Norton Terminal's acquisition, the Port had missed business opportunities to handle cargoes, including but not limited to large-format breakbulk cargoes for the energy, forest products, automotive, and defense industries.

The two outfalls proposed for replacement are required to support this overall effort and to improve stormwater collection and provide state-of-the-art treatment prior to discharge. The site has not had quality stormwater treatment during its known history, so in addition to being a required remedial action under the 3rd Interim Action, this system will be a major improvement and will ensure water quality improvements to the overall waterway. During construction, small amounts of contaminated sediment may be encountered and will be removed from the water, tested under MTCA protocol, and disposed at an approved facility.

Developing the Norton Terminal to accommodate cargo storage, staging, and shipping to support the maritime industrial economy accomplishes the Port's strategic goals as set forth in the 2020 Strategic Plan. These goals include maintaining sustainable operations, expanding cargo shipping capacity, modernizing the Seaport, and generating revenue at the working waterfront to support its destination waterfront, boating, and recreation on Port properties north of Naval Station Everett (NSE).

NSE has long been concerned about the potential development of incompatible uses along its southern and western borders. Compatible uses are necessary to support NSE's ability to safely and efficiently function and adapt to mission changes. The planned uses for the Norton Terminal support the sustainability of NSE operations and mission-readiness and protect the naval station's contribution to the local economy and national defense.

In addition, the US Maritime Administration (MARAD) is currently considering the Port for a Strategic Seaport Designation. This designation would demonstrate the Port's ability to support major force and material deployments in times of war and national emergency. Adding Norton Terminal provides the land necessary to meet the designation's upland capacity requirements.

6c. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational

☒ Maintenance ☒ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☒ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☒ Other: Cargo Terminal, MTCA Interim Action

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Upland Work:

Suitable documented clean fill material will be placed and compacted to build up the Site elevations for the designed subgrade in line with the contour elevations that result from the K-C CM Removal. The imported soil will be tested in accordance with Ecology Toxics Cleanup Program requirements. Once design subgrade elevations are met, significant portions of the Site will be covered with a pavement section of base course and asphalt designed for the anticipated heavy industrial cargo use and to reduce surface water infiltration as part of the 3rd Interim Action. Because this is a brownfield site with extensive subgrade foundations remaining in place, to mitigate the impact of encountering subsurface obstacles, utilities, pipelines, and electrical duct banks will be designed and constructed as shallow as possible. Soil materials removed from the Site will be tested in accordance with an Ecology approved soil and groundwater management plan, and hauled to an appropriate licensed disposal facility, as appropriate.

Work Below High Tide Line/Ordinary High Water Mark (HTL/OHWM):

Construction associated with the replacement of Outfall A and Outfall M will occur in the dry, during low tides. Work that cannot be completed in a single tide cycle shall be temporarily covered and stabilized with gravel, geotextile, or other approved methods prior to tidal submersion. Sediment excavated to facilitate outfall replacements will be stored upland while being characterized, managed, and disposed of appropriately in coordination with Ecology due to the potential for contamination (the East Waterway is an independent MTCA site from the K-C MTCA site). The work area will be accessed from the uplands and all work will occur using land-based equipment.

Outfall A is an existing 10-inch pipe that will be cut and plugged upland of the existing outfall location. The existing pipe will be abandoned in-place, and the new outfall will be located approximately 50 ft south. Outfall M is an existing 21-inch wood stave storm drain that transitions to a 12-inch PVC outfall. The PVC outfall will be removed, and the new Outfall M will be 36-inch HDPE pipe following the same alignment as the existing outfall but discharging at a higher elevation.

The outfalls will be HDPE casing pipe around aluminum corrugated metal pipe at the shoreline. The casing pipe will protect the outfall pipe from direct riprap and rockery point loads. The casing pipe will create an approximately 6-inch-wide annular space around the outfall pipe that will be filled with non-shrink grout. The grout fill will provide protection from rock point loads if the casing pipe is damaged and will also prevent the flood and ebb of tidal waters from scouring fine-grained soils at the landward end. A temporary, water-tight plug will be installed at both ends of the casing pipe. A relief vent will be tapped into the top of the casing and an injection port will be tapped near the casing bottom at its landward end. Grout will be injected through the port until it starts to overflow from the relief vent, at which time the grout injection will be stopped. Grout overflow will be captured and disposed properly. These measures will prevent any grout from entering the water. Riprap energy dissipater underlain with quarry spalls and filter fabric will be constructed at each outfall and will be excavated to match existing grades.

Federal Emergency Management Agency (FEMA) flood insurance mapping identifies the area along the shoreline of the Site as occurring in the 100-year floodplain, with corresponding base flood elevation (BFE) of 13 ft (NAVD88). Proposed upland development on the Site generally occurs at elevation 13 ft (NAVD88) and higher, which is outside of the BFE. Stormwater outfall rehabilitation occurs below the BFE and is not anticipated to result in loss of flood storage capacity.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start Date: November 2021 End Date: March 2023 ☐ See JARPA Attachment D

EXHIBIT # 9

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]
$29 Million
6h. Will any portion of the project receive federal funding? [help] • **If yes**, list each agency providing funds.
☒ Yes ☐ No ☐ Don't know **US Maritime Administration (MARAD); $17.75M**

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area. (If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]
☐ Not applicable
7b. Will the project impact wetlands? [help]
☐ Yes ☐ No ☐ Don't know
7c. Will the project impact wetland buffers? [help]
☐ Yes ☐ No ☐ Don't know
7d. Has a wetland delineation report been prepared? [help] • **If Yes**, submit the report, including data sheets, with the JARPA package.
☐ Yes ☐ No
7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help] • **If Yes**, submit the wetland rating forms and figures with the JARPA package.
☐ Yes ☐ No ☐ Don't know
7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help] • **If Yes**, submit the plan with the JARPA package and answer 7g. • **If No, or Not applicable**, explain below why a mitigation plan should not be required.
☐ Yes ☐ No ☐ Don't know
7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]
7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

The only work below HTL/OHWM is the replacement of two existing outfalls M and A. **Both are part of the MTCA scope of work**.

Minimization of adverse impacts to the aquatic environment include:

- Work below HTL/OHWM will occur in the dry, during low tides. Work that cannot be completed in a single tide cycle shall be temporarily covered and stabilized with gravel, geotextile, or other approved methods prior to tidal submersion.
- Excavation in the shoreline environment associated with Outfall A and Outfall M will include removal and disposal of existing informal rip rap and potentially contaminated soil and sediments.
- Work below HTL/OHWM will result in a balance of cut and fill volumes.
- Energy dissipation to be installed as part of Outfall A and Outfall M will include removal of potentially contaminated sediment in the East Waterway/Port Gardner that will be replaced with clean riprap/quarry spalls.
- Construction activities will be controlled to avoid and minimize potential impacts to surface water in Port Gardner and will be required to follow stringent best management practices (BMPs) and discharge controls for this Project. Implementation of BMPs used to control and manage stormwater runoff during project construction activities would also be in general accordance with Ecology's Washington State Stormwater Management Manual for Western Washington and will also be consistent with City stormwater, grading and drainage code requirements. Furthermore, the Project will be in compliance with National Pollutant Discharge Elimination System (NPDES) permit requirements and water quality certification, in accordance with Section 402 (NPDES permit program) and Section 401 (water quality certification requirement as part of Section 404 permit) of the Clean Water Act. Implementation of the BMPs; a spill prevention, control, and countermeasures (SPCC) plan; a Construction Stormwater General Permit; and other additional requirements included as part of the Project's stormwater permit would promote mitigation of potentially adverse impact to stormwater runoff quality and control.
- Although large volumes of contaminated upland soil has been removed as part of the 1st and 2nd Interim Actions (by others), low-level soil and groundwater contamination, will remain on the Site, and will be contained by this Project (i.e. the 3rd Interim Action), and the final cleanup action selected by Ecology. Residual contamination will consist primarily of heavy metals and petroleum hydrocarbons.

EXHIBIT # 9

Potential contact with, and management of, contaminated soil and groundwater remaining on the MTCA Site will be addressed through the implementation of an Ecology approved soil and groundwater management plan. The plan will specify the methods and procedures for identifying and managing any hazardous substances encountered during Project implementation.

- Excavated shoreline material will be characterized and managed in coordination with Ecology guidelines. Prior to commencement of the Project, details regarding soil management associated with the Project will be presented in a Materials Management Plan, which will be provided to Ecology for review; this plan will guide characterization and management of excavated material generated during outfall replacement.
- Stormwater runoff will occur associated with proposed Site paving, and the Port will install a new stormwater treatment system that provides treatment to meet anticipated Industrial Stormwater General Permit (ISGP) requirements. Stormwater will be handled by a series of collection infrastructures (longitudinal concrete gutters and trench drains) that will be connected to a high-flow bypass vault. Surface water (precipitation) currently infiltrates through contaminated soil, causing groundwater contamination. Reducing stormwater infiltration to groundwater will improve groundwater quality prior to discharge to surface water (the East Waterway). Stormwater management is an integral part of the 3rd Interim Action to reduce surface water infiltration to groundwater and improve groundwater quality prior to its discharge to surface water.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

A mitigation plan is not provided because the project does not result in loss of aquatic habitat and will provide a net benefit to water quality discharging from the Site.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

N/A

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Excavation (Outfall A)	East Waterway	In	Temporary	19 cy	120 sf
Excavation (Outfall M)	East Waterway	In	Temporary	64 cy	420 sf
Fill (Outfall A)	East Waterway	In	Permanent	19 cy	120 sf
Fill (Outfall M)	East Waterway	In	Permanent	64 cy	420 sf

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

The 19 cy of Outfall A fill material will consist of 14 cy of riprap and 5 cy of quarry spalls below HTL (quantities below OHWM are 13 cy riprap and 5 cy quarry spalls). The quarry spalls will be placed under the riprap. Approximately 120 sf of existing substrate (cobble/sand/gravel) below HTL (115 sf below OHWM) will be replaced with energy dissipator pad associated with the outfall. The substrate in the project footprint consists of potentially contaminated sediments and riprap armor rock.

The 64 cy of Outfall M fill material will consist of 48 cy of riprap and 16 cy of quarry spalls below HTL (quantities below OHWM are 43 cy riprap and 15 cy quarry spalls). Of the 48 cy of riprap, 30 cy will be replacement in a 260 sf area (25 cy; 215 sf below OHWM) of existing riprap; the remaining 18 cy of riprap will be placed in an approximately 160-sf area (15 cy; 160 sf below OHMW) extending from the toe of slope of the existing riprap revetment. This approximately 160 sf of existing substrate (sand/gravel) will be replaced with armor rock to serve as an energy dissipator pad associated with the outfall. The 16 cy of quarry spalls (15 cy below OHWM) will be placed under the new and replaced riprap. The tideflat substrate consists of potentially contaminated sediments.

Fill will be clean material acquired from an approved source. Analytical testing to demonstrate fill materials smaller than ¼ inch meet Ecology standards for contaminant concentrations will be conducted prior to placement of fill, as appropriate.

Construction associated with the replacement of Outfall A and Outfall M will occur in the dry, during low tides. Work that cannot be completed in a single tide cycle shall be temporarily covered and stabilized with gravel, geotextile, or other approved methods prior to tidal submersion.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Outfall A excavation quantities below HTL will consist of replacing 19 cy of substrate materials (cobble/sand/gravel) with 14 cy of riprap and 5 cy of quarry spalls (quantities below OHWM will replace 18 cy of substrate with13 cy riprap and 5 cy quarry spalls). Approximately 120 sf of existing substrate (cobble/sand/gravel) will be replaced with energy dissipator pad associated with the outfall below HTL (115 sf below OHWM). The tideflat substrate to be removed consists of potentially contaminated sediments.

The 64 cy of excavation for Outfall M below HTL, will consist of 30 cy of existing riprap over an approximately 260-sf area and 34 cy of tideflat substrate (cobble/sand/gravel) over an approximately 160-sf area extending from the toe of slope of the existing riprap revetment (quantities below OHWM are 25 cy riprap over approximately 215 sf and 33 cy tideflat substrate over 160 sf). Approximately 160 sf of existing tideflat (sand/gravel) will be replaced with energy dissipator pad associated with the outfall below HTL (160 sf below OHWM). The tideflat substrate to be removed consists of potentially contaminated sediments.

Excavated material will be characterized and managed in coordination with the Ecology MTCA program. Prior to commencement of the project, details regarding soil management associated with the project will be presented in a Materials Management Plan, which will be provided to Ecology Toxics for review; this plan will guide characterization, management, and disposal of excavated material generated during outfall replacement.

Construction associated with the replacement of Outfall A and Outfall M will occur in the dry, during low tides using land-based equipment. Work that cannot be completed in a single tide cycle shall be temporarily covered and stabilized with gravel, geotextile, or other approved methods prior to tidal submersion.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
City of Everett Planning	Steve Ingalsbe, Dennis Osborn, Yorik Stevens-Wajda	(425) 257-7135	Ongoing weekly
Washington Department of Ecology	Andy Kallus	(360) 407-7259	Ongoing weekly
US Maritime Administration (MARAD)	Kris Gilson	(202) 603-2402	May 2021
NOAA Fisheries	Elizabeth Babcock	(206) 276-7029	May 2021
Washington Department of Fish and Wildlife (WDFW)	Laura Arber	(425) 379-2306	July 2021
US Army Corps of Engineers	Kelly Werdick	(206) 764-6883	July 2021

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☒ Yes ☐ No

Portion of the East Waterway outside of the project area is on the 303d list for benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and 2,3,7,8-TCDD (Dioxin).

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

171100190202

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

7, Snohomish

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.

EXHIBIT # 9

- For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☐ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☒ Other: Urban Deepwater Port (UDWP)

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No

Name of manual: _____

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☒ Yes ☐ No

The East Waterway in the project vicinity is on the 303d list for sediment bioassay. The in-water area of the property is within Everett's East Waterway and is being addressed under a separate MTCA Agreed Order with Ecology (referred to as the East Waterway Site).

9j. If you know what the property was used for in the past, describe below. [help]

The Site was first developed in the late 1800s/early 1900s. From 1931 to 2012 it was used primarily for pulp and paper manufacturing; other uses included bulk petroleum storage operations and sawmilling. All manufacturing operations at the facility ceased in April 2012 and the mill and former structures have since been demolished with the exception of the former distribution warehouse.

In December 2012, Ecology and K-C, entered into an Agreed Order for MTCA Site cleanup of the uplands area. The Port will become a party to the Agreed Order as the current owner of the Site and proponent of the 3rd Interim Action.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

☒ Yes ☐ No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Threatened and endangered species near the Site in Port Gardner Bay/Puget Sound may include marbled murrelet, Coastal-Puget Sound bull trout, Puget Sound Chinook salmon, Puget Sound steelhead, Puget Sound/Georgia Basin Bocaccio, Puget Sound/Georgia Basin Yelloweye rockfish, southern resident killer whale, and humpback whale.

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

EXHIBIT # 9

WDFW PHS on the Web identifies the East Waterway with occurrence of Dungeness crab. Nearshore areas of Port Gardner, including the East Waterway, are used by out-migrating and rearing juvenile Chinook, Coho, chum, and pink salmon; steelhead trout, sea-run cutthroat trout (subadult and adult), and bull trout (subadult and adult). Adults of each of these species may also migrate in nearshore and offshore areas of Port Gardner before entering the Snohomish River.

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.

☒ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

_____

☐ Other: _____

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☒ Substantial Development ☐ Conditional Use ☐ Variance

☒ Shoreline Exemption Type (explain): As part of a MTCA interim action, some project elements specific to the interim action are exempt in accordance with RCW 90.58.355 and WAC 173-340-710; however, the project is required to comply with the substantive requirements of the permit.

_____

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

EXHIBIT # 9

Washington Department of Fish and Wildlife:

☒ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

Washington Department of Ecology:

☒ Section 401 Water Quality Certification ☐ Non-Federally Regulated Waters

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

☒ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: d13-pf-d13bridges@uscg.mil

☐ Bridge Permit ☐ Private Aids to Navigation (or other non-bridge permits)

United States Environmental Protection Agency:

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

EXHIBIT #9

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. LMG (initial) N/A

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. LMG (initial)

Laura M. Gurley, Port of Everett	Laura M. Gurley	7/19/2021
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help] NONE

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018